

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

EFREN G. ORTEGA,

Plaintiff,

v.

Civ. No. 23-0450-KG-JMR

FNU CORDOVA, *et al.*,

Defendants.

ORDER OF DISMISSAL

This matter is before the Court following Plaintiff Efren Ortega's failure to cure deficiencies as directed. Plaintiff is incarcerated and proceeding *pro se*. In his opening Letter-Pleading, he alleges Defendants violated various Constitutional rights and requests forms to file a lawsuit. (Doc. 1). The Clerk's Office mailed him a blank civil rights complaint and blank motion to proceed *in forma pauperis*. Plaintiff did not initially respond. By an Order entered August 11, 2023, the Court directed Plaintiff to return a completed complaint and address the civil filing fee within thirty days. (Doc. 6). The Order advised that any *in forma pauperis* motion must attach an inmate account statement reflecting transactions for a six-month period. (Doc. 6). Plaintiff was warned that the failure to timely comply may result in dismissal of this case without further notice.

Plaintiff filed his Complaint along with a Motion to Proceed *In Forma Pauperis*, but he did not attach a six-month inmate account statement. (Doc. 7, 8). The account statement is required by statute in all cases where, as here, an inmate files a complaint without prepaying the filing fee. *See* 28 U.S.C. § 1915(a)(2). By a second Order entered October 5, 2023, the Court directed Plaintiff to file the statement within thirty days. (Doc. 9). The Order again warned that the failure

to comply may result in the dismissal of this case.

The final deadline to submit a six-month inmate account statement was November 6, 2023. Plaintiff failed to comply, show cause for such failure, or otherwise respond to the second Order. Accordingly, the Court will dismiss the Complaint without prejudice under Fed. R. Civ. P. 41(b) “for failure to ... comply with [civil rules and] court orders.” *Olsen v. Mapes*, 333 F.3d 1199, 1204 n. 3 (10th Cir. 2003); *see also Salazar v. Arapahoe Cty. Det. Facility*, 787 Fed. App’x 542, 543 (10th Cir. 2019) (affirming dismissal order where plaintiff failed to “address[] the inmate account statement or explain[] his failure to comply with the ordered deadline”). The Court will also deny as moot Plaintiff’s pending Motion to Proceed *In Forma Pauperis*. (Doc. 8).

IT IS ORDERED:

1. Plaintiff’s Prisoner Civil Rights Complaint (Doc. 7) is dismissed without prejudice.
2. Plaintiff’s Motion to Proceed *In Forma Pauperis* (Doc. 8) is denied as moot.
3. The Court will enter a separate judgment closing this civil case.

  
UNITED STATES DISTRICT JUDGE